IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6972 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms.A.V.Latne for the petitioner.
Mr.C.R.Sonawane AGP for the respondent.

CORAM: V.G.PALSHIKAR,AG.C.J. &
D.B.BHOSALE, J.

DATED: 8TH DECEMBER, 2005

P.C.:

. Heard.

2. Rule. By consent of the parties rule made returnable forthwith. Mr.Sonawane, learned A.G.P. waives service for the respondent. Heard learned counsel for the parties.

3. From perusal of the impugned order and additional affidavit filed by the petitioner it appears to us that adequate opportunity to prove her caste was not given to the petitioner by the committee. It is observed from the additional affidavit that only one such opportunity was given. It is found from

the impugned order that this opportunity was given on 15.4.2004 but the impugned order was passed more than a year thereafter. In such circumstances the interest of justice require that such opportunity is given to the petitioner to prove her claim to that caste particularly because in the additional affidavit filed in this Court she has annexed a certificate belonging to the petitioner's father's sister which prima facie creates possibility of the petitioner establishing his claim. In such circumstances we set aside the impugned order dated 30th July, 2005 and remit the matter to the respondent-committee to permit the petitioner to place on record such original documents as he may desire and thereafter decide the claim of the petitioner afresh. The petition is, accordingly, disposed of.

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